REMARKS

I. Introduction

In response to the Office Action dated October 29, 2004, Applicants have amended claims 1, 4 and 11 so as to further clarify the claimed subject matter. The claim dependency of claims 8 and 14 has also been amended. New claims 17-20 are added. Support for these amendments can be found, for example, at page 6, lines 4-13 and page 12, lines 13-22 of the specification. No new matter has been added.

For the reasons set forth below, Applicants respectfully submit that all pending claims are patentable over the cited prior art references.

II. The Rejection Of Claims 11-16 Under 35 U.S.C. § 102

Claims 11-16 are rejected under 35 U.S.C. § 102 as being anticipated by USP No. 5,748,084. Applicants respectfully traverse this rejection for at least the following reasons.

Claim 11, as amended, recites in-part a method of evacuating data for portable information-processing device, wherein the portable information-processing device is capable of geographically identifying its own location.

In direct contrast, the beacon 101 of the computer 100 of Isikoff does not have the capability to detect the geographic position of the computer 100. Indeed, Isikoff discloses providing a tracking apparatus 120 for locating the computer 100 by monitoring its RF transmission emanating from the beacon 101, where these RF signals are followed to track the computer 100 to its new location (see, col. 3, lines 41-45). As such, the geographic position of the computer 100 can only be tracked by an external circuit (see, col. 3, lines 32-36), and cannot

be tracked by the beacon 101 of the computer 100. Thus, Isikoff does not disclose or suggest the claim elements as recited by amended claim 11.

Accordingly, as anticipation under 35 U.S.C. § 102 requires that each element of the claim in issue be found, either expressly described or under principles of inherency, in a single prior art reference, *Kalman v. Kimberly-Clark Corp., 713 F.2d 760, 218 USPQ 781 (Fed. Cir. 1983)*, and at a minimum, Isikoff fails to disclose or suggest the foregoing claim elements, it is clear that Isikoff does not anticipate claim 11 or any of the claims dependent thereon.

III. The Rejection Of Claims 1-10 Under 35 U.S.C. § 103

Claims 1-10 are rejected under 35 U.S.C. § 103 as being unpatentable over Isikoff in view of USP No. 6,356,196 to Wong. Applicants respectfully request reconsideration of this rejection for at least the following reasons.

Claim 1, as amended, recites in-part a portable information-processing device, wherein the processor means makes a determination as to whether the situating condition and location of the portable information-processing device are normal or abnormal based on the information of the situating condition and location output by the status detector means.

In accordance with one exemplary embodiment of the present invention, the portable information-processing device utilizes a GPS module 206 for measuring and determining its own location. Specifically, in the status monitoring mode, the portable information-processing device activates the sensor 205 and the GPS module 206, where the CPU 201 monitors the outputs of the sensor 205 and the GPS module 206. As a result, the present invention advantageously determines whether the device is stolen based on the result of the outputs of the sensor 205 and

the result of the location information output by the GPS module 206 (see, e.g., page 5, lines 3-25 of the specification).

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the **claimed invention** where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *Ecolochem Inc. v. Southern California Edison Co., 227 F.3rd 1361, 56 U.S.P.Q.2d (BNA) 1065 (Fed. Cir. 2000); In re Dembiczak, 175 F.3d 994, 999, 50 U.S.P.Q.2D (BNA) 1614, 1617 (Fed. Cir. 1999); In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 U.S.P.Q.2d 1941 (Fed. Cir. 1992).* See also **M.P.E.P § 2143.01**.

Turning to the cited prior art, neither Isikoff nor Wong, taken alone or in combination, disclose or suggest that the beacon (alleged status detector) detects and outputs the location of the computer or parcel to their respective processor means so as to determine whether the computer or parcel is stolen. Indeed, for the reasons as discussed above with respect to claim 11, the beacon 101 of Isikoff does not track or output any geographic location information of the computer 100, let alone provide a processor means for determining the status of the computer 100 based on such information. Wong, on the other hand, merely discloses a tracking beacon 4 for emitting either a violation radio signal or a delivery confirmation signal (see, col. 4, lines 44-46 and col. 7, lines 1-10). As such, Wong also does not cure the defects of Isikoff, because the tracking beacon 4 of Wong only broadcasts a radio signal indicating the status of the parcel 3 (see, col. 7, lines 11-12), and does not broadcast any location information of the parcel 3 to the microprocessor 10.

Thus, as each and every limitation must be either disclosed or suggested by the cited prior art in order to establish a *prima facie* case of obviousness (see, **M.P.E.P. § 2143.03**), and Isikoff and Wong, taken alone or in combination, fail to do so, it is respectfully submitted that claim 1 is patentable over the cited prior art.

IV. All Dependent Claims Are Allowable Because The Independent Claims From Which They Depend Are Allowable

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co., 819 F.2d at 1100, 1108 (Fed. Cir. 1987).* Accordingly, as independent claims 1 and 11 are patentable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also in condition for allowance.

For all of the foregoing reasons, it is submitted that dependent claims 2-10 and 12-16 are patentable over the cited prior art. Accordingly, it is respectfully submitted that the rejections of claims 11-16 under 35 U.S.C. § 102 and claims 1-10 under 35 U.S.C. § 103 have been overcome.

Furthermore, the Examiner asserts that Isikoff discloses, at col. 1, lines 62-63 and col. 8, lines 42-45, the claim elements recited by claims 6 and 16 (see, pages 4 and 9 of the Office Action). However, contrary to the conclusion set forth by the Examiner, at the cited portion, Isikoff merely discloses augmenting a security protocol by deleting or overwriting data on the hard disk, and does not disclose or suggest performing such task when the transmission of the data to the commercial data warehousing facility is completed.

Moreover, it does not appear that any of the cited references discloses or suggests the claim elements recited by new claims 17-20. Thus, it is respectfully submitted that new claims 17-20 are also patentably distinct over the cited prior art.

V. Conclusion

Accordingly, it is urged that the application is in condition for allowance, an indication of which is respectfully solicited.

If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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